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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,566	04/27/2006	Shigeru Nemoto	KITO10.001APC	6055

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EXAMINER

DESANTO, MATTHEW F

ART UNIT	PAPER NUMBER
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3763

NOTIFICATION DATE	DELIVERY MODE
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01/09/2012

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
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Office Action Summary

Application No.

10/577,566

Applicant(s)

NEMOTO ET AL.

Examiner

MATTHEW F. DESANTO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-18 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-18 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-943)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lazzaro (USPN 7,553,294).

3. Lazzaro et al. discloses a chemical liquid injector for injecting a liquid from a liquid syringe (figure 127A) including a cylinder member and a piston member slidably inserted into the cylinder member into a patient (figure 129B) through an extension tube in test injection and then injecting the liquid in normal injection, comprising a cylinder holding mechanism for removably holding the cylinder member of the liquid syringe; a piston driving mechanism for sliding the piston member of the held liquid syringe; a computer unit (control system – figure 128A) for controlling the operation of the piston driving mechanism; a main display (6000 – figure 128A) panel for displaying data as output from the computer unit; a main operation panel for accepting an input action of the data to the computer unit; a sub display panel (Scan room display – 6100 – figure 128A) for displaying data as output from the computer unit, the sub display panel being smaller than the main display panel; a sub operation panel for accepting an input action

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of the data to the computer unit, the sub operation panel being smaller than the main operation panel; an injection control unit equipped with at least the computer unit, the main display panel, and the main operation panel; and an injection head formed as a separate body from the injection control unit and equipped with at least the cylinder holding mechanism, the piston driving mechanism, the sub display panel, and the sub operation panel, wherein data for the normal injection is input on the main operation panel and displayed on the main display panel, and data for the test injection is input on the sub operation panel and displayed on the sub display panel (figures 127A – 129B and respective columns). Lazzaro et al. also discloses the use of a pair of syringe as well as using the syringes for contrast injection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzaro as applied to claims above, and further in view of Duchon et al. (US 20030028144) and Zaitse et al. (20040193328).

6. Lazzaro et al. discloses the claimed invention except for the schematic image of a plurality of body sections.

7. Duchon et al. discloses an injection device wherein the body part is described on the display (figures 30-35).

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8. Zaitzu et al. discloses an injection device wherein the body images are shown on the display and the user can select where the injection will occur (figure 4A-8).

9. At the time of the invention it would have been obvious for one of ordinary skill in the art to combine the device of Lazzaro et al. with the processors and software of Duchon et al. and Zaitzu et al. because Zaitzu et al. provides an more user friendly display when performing injections [by showing pictures of the body along with text] and Duchon et al. further describes how injection can be displayed in a syringe device thus providing the background and general knowledge of one of ordinary skill in the medical injector art. Therefore modifying the device of Lazzaro et al. to include the processor and software of Duchon et al. and Zaitzu et al. would make Lazzaro et al. more user friendly and easier to use.

Response to Arguments

10. Applicant's arguments filed 10/19/2011 have been fully considered but they are not persuasive.

11. The examiner has read through applicants remarks and respectfully disagrees with the interpretation of the prior art. Applicant argues that the Lazzaro (USPN 7,553,294) fails to teach a sub operation panel with a touch panel and wherein data can be entered through the sub operation panel and displayed, but Lazzaro (USPN 7,553,294) discloses in column 52, line 11 - column 55, line 14 the operations of the injector and how information can be inputted into the system. On line 35 and 36 in column 52 Lazzaro discloses the use of a graphic user interface [GUI] and the GUI

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being a touch screen. Lazzaro also discloses that both the GUI on the panels [control room and sub operational or scan room panel] can be the same as well as entering the type of injection that the user of the device wants to perform. Lazzaro also discloses using several different protocols as disclosed in the art (Column 52, line 54) but most importantly, Lazzaro discloses the same structure as claimed, since Lazzaro has a touch screen that allows data to be entered and change the protocol or type of injection, and thus would be able to be used in a test injection while updating the injector in the scan room by the sub operational panel, thus meeting the limitations of the claim.

12. The rejection based on Fago et al. (USPN 6,929,619) has been withdrawn because of the amendments to the claims.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW F. DESANTO whose telephone number is (571)272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew DeSanto
/MATTHEW F DESANTO/
Primary Examiner, Art Unit 3763